

Message Text

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R 251630Z MAY 74

FM SECSTATE WASHDC

TO AMEMBASSY ROME

INFO AMEMBASSY NEW DELHI

AMEMBASSY ISLAMABAD

USCINCEUR

C O N F I D E N T I A L STATE 110786

E.O. 11652: GDS

TAGS: MASS, IT, IN

SUBJECT: ITALIAN APC'S TO INDIA

REF: ROME 6513

1. WE FULLY APPRECIATE THE PROBLEM THAT EXISTS IN ITALY WITH REGARD TO THIRD COUNTRY SALES AND WISH WE COULD BE MORE FORTHCOMING. HOWEVER, USG CANNOT RPT CANNOT APPROVE TRANSFER OF ITEMS SUCH AS APCS TO INDIA AND PAKISTAN AS LONG AS USG ARMS POLICY PROHIBITS THEIR DIRECT EXPORT FROM US. IF IT WOULD BE HELPFUL, DEPARTMENT WILL GIVE ITALIAN EMBASSY HERE DETAILED BRIEFING ON SITUATION. THEY HAVE BEEN FREQUENT CALLERS AT INDIA DESK AND SHOULD BE SENSITIZED TO SPECIAL PROBLEMS WE HAVE HAD OVER THE YEARS REGARDING SOUTH ASIA ARMS SUPPLY POLICY.

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2. AS EMBASSY WILL RECALL FROM EXPERIENCE WITH LIBYAN REQUEST, OUR POSITION ON THIS ISSUE IS DICTATED BY EXPRESS PROVISION OF US LAW AND UNDERLYING CONGRESSIONAL POLICY REGARDING ARMS SHIPMENTS. SECTION 3(A) OF FOREIGN MILITARY SALES ACT REQUIRES THAT RECIPIENT OF US DEFENSE ARTICLES REFRAIN FROM TRANSFER TO THIRD COUNTRIES WITHOUT USG CONSENT. THIS SECTION (3C) FURTHER PROVIDES THAT USG CANNOT GIVE SUCH CONSENT UNLESS USG ITSELF WOULD TRANSFER ARTICLES IN QUESTION TO THAT THIRD COUNTRY. TO EXTENT ITALIAN APC'S INCLUDE COMPONENTS PURCHASED FROM USG UNDER FMS ACT,

STATUTE IS BINDING REQUIREMENT THAT,USG THIRD COUNTRY TRANSFER POLICY BE CONSISTENT WITH POLICY GOVERNING ARMS EXPORTS FROM U.S. ALTHOUGH NOT EXPLICIT IN STATUTE, CONGRESSIONAL INTENT EXTENDS TO END PRODUCTS MANUFACTURED ABROAD USING US FURNISHED TECHNOLOGY. SINCE ITALIAN APC'S INCLUDE SUCH TECHNOLOGY, WE WOULD BE UNABLE TO APPROVE TRANSFER EVEN IF USG FURNISHED HARDWARE COULD BE REMOVED AND REPLACED BY FOREIGN MANUFACTURED COMPONENTS FINALLY, US LAW AUTHORIZING TYPE OF LIMITED EMBARGO ON ARMS SHIPMENTS TO SOUTH ASIA PERMITS US TO DENY EXPORT LICENSES TO US MANUFACTURERS -IN FURTHERANCE OF WORLD PEACE AND THE SECURITY AND FOREIGN POLICY OF THE UNITED STATES." FOR USG TO CONTEND THAT ITALIAN SHIPMENT OF SUBJECT APC'S TO SOUTH ASIA WAS IN FURTHERANCE OF ABOVE-QUOTED STATUTORY OBJECTIVES WHILE EXPORTS OF SIMILAR ITEMS FROM US WAS NOT COULD SUBJECT US TO LEGAL CHALLENGE FROM US EXPORTERS. ACCORDINGLY, PROPOSED TRANSFER COULD BE APPROVED ONLY IF EXISTING US SOUTH ASIA ARMS SUPPLY POLICY WERE MODIFIED.

3. THERE IS LOGIC TO YOUR SUGGESTION THAT WE TAKE .50 CALIBER MACHINE GUN OFF APC AND CALL VEHICLE NON-LETHAL AND THEREFORE ELIGIBLE TO EXPORT UNDER,PRESENT POLICY. IF THIS WERE PRACTICAL COURSE OF ACTION, IT WOULD OBVIOUSLY SOLVE SITUATION WITH ITALIANS. IT UNFORTUNATELY IS NOT VIABLE OPTION. REASON WHY RELATES TO FACT THAT IN LATE 1960S WHEN WE ADOPTED POLICY PROHIBITING EXPORT OF LETHAL END ITEMS, APC'S WERE LISTED AS "LETHAL" ITEMS AND THEREFORE INELIGIBLE FOR EXPORT

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LICENSING. THIS CATEGORIZATION FOR APC'S HAS BEEN RETAINED EVER SINCE. BROWN

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